

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1, 3, 7, 9, 13 and 15 have been amended and claims 2, 4, 8, 10, 14, and 16 have been cancelled. New dependent claims 19-59 have been added to the case to further protect applicants' invention. Accordingly, claims 1, 3, 5-7, 9, 11-13, 15, and 17-59 are currently pending the present application. Note that the term "set" used in the claims is to be interpreted as one or more.

Independent claim 13 has been amended to comprise a computer program product for managing a supply chain utilizing a network, comprising: in a supply chain having multiple supply chain participants comprising independent suppliers, independent distributors, independent sales outlets, and an independent supply chain manager that are connected by a supply chain management framework computer system, receiving a grant of authority to the independent supply chain manager to negotiate agreements between a selling supply chain participant and the independent supply chain manager on behalf of the buying supply chain participant; the independent supply chain manager negotiating an agreement between one of the buying supply chain participant and one of the selling supply chain participants; a set of computer usable media having computer readable program code embodied therein to be executed by a computer, the computer readable program code comprising computer code for a supply chain system computer of the independent supply chain manager receiving data from a plurality of the independent sales outlets of the supply chain utilizing a network, the data comprising amounts of products sold by the independent sales outlets which data are not generated by sales via the network, each of the independent sales outlets utilizing at least one associated independent distributor and independent supplier, and wherein the data is provided at the sole discretion of the respective independent sales outlet; computer code for a supply

chain computer parsing the data from a plurality of the independent sales outlets by the at least one independent distributor and the at least one independent supplier associated with the independent sales outlet supplying the data; computer code for generating an electronic order form based on the data for ordering components of the products and/or the products from a the at least one independent distributor associated with the respective independent outlet supplying the data of the supply chain; computer code for transmitting the parsed data to the independent distributor associated with the independent sales outlet from which the data was received of the supply chain utilizing the network; computer code for transmitting the parsed data to the independent supplier associated with the sales outlet from which the data was received of the supply chain utilizing the network; computer code for the supply chain system computer of the independent supply chain manager forecasting aggregated activity in the supply chain utilizing the data; and computer code for the supply chain computer of the independent supply chain manager providing electronic access via the network to the forecast to the at least one independent distributor and the at least one independent supplier associated with the independent sales outlet from which the data was received only after identity verification.

These amendments focus on the fact that each of the recited plurality of sales outlets is independent from the others and is using an independent supply chain system to provide its outlet supplies. In such a scenario, the independent sales outlet has no obligation to provide its sales data, i.e., such provision is voluntary. Likewise, the distributors and suppliers are independent. Thus, none of these supply chain participants has the ability to get the data necessary in real time, and aggregate that data to generate orders for re-supply. Moreover, this independence removes the ability to do demand forecasting at the distributor and supplier supply chain levels. Additionally, this situation is in the context of a need for constant real time re-supply to individual independent outlets. The key to the solution to this problem is the use of an independent supply chain manager who receives at his computer the POS data for the independent sales outlets. This data is then parsed from a plurality of independent sales outlets by the at least one independent distributor and the at least one independent supplier associated with the independent sales outlet supplying the data. The parsed data is then transmitted to the appropriate independent distributors and independent suppliers based

on association with the independent outlets supplying the data. The supply chain system computer of the independent supply chain manager forecasts aggregated activity in the supply chain utilizing the data, and access is electronically provided to the forecast to the appropriate independent distributor and independent supplier and unify the disparate independent players in the supply chain.

Shavit et al. does not disclose or suggest the receipt of sales data from sales outlets where the sales are not generated by sales via the Shavit network, much less the parsing of the sales data to match data from a particular sales outlet to its selected distributor and supplier. Rather, Shavit et al. is directed at facilitating direct communications between buyers and sellers, some of whom may be distributors and suppliers. Shavit et al. not only does not receive sales data from sales not generated on its network, but cannot generate an electronic order form based on the data. Order entry as described at column 6, line 34, means just that—entry of an order into the system. Shavit does not disclose the preparation of an electronic order in response to the sales data. Also, without the receipt of sales data from sales not generated on its network, such data cannot be transmitted by the system to the appropriate distributor or the appropriate supplier. Shavit does make reference to generic forecasting at column 7, line 19, but there is, and could be no disclosure of forecasting based on sales data from sales not generated on its network, since Shavit never receives such data. Accordingly, multiple steps are missing from Shavit et al. Finally, and importantly, Shavit does not disclose the concept of an independent supply chain manager performing the operations listed in the claims.

Note that a variety of dependent claims have been added to cover different industries, making certain co-pending applications redundant – to be dealt with in due course.

The examiner has also requested information on the RSI/Link system referenced in a “A Whopping Inventory Task” article and the article “Burger King Orders AT&T Mail Service.” The RSI/Link system from 1994-2002 was a one-way system wherein RSI received sales and inventory data from the suppliers and distributors that serviced Burger King restaurants on a monthly or longer basis. RSI did not communicate back to the supply and distribution companies electronically, except to indicate a transmission error. Note that

there was no receipt of POS data from individual stores. There were no automated operations or electronic ordering during this period at RSI. However, an independent supply chain manager at RSI did manually negotiate contracts between the supply chain participants.

In view of the foregoing amendments and remarks, reconsideration and withdrawal of the present rejection is requested, and an early passage to issue is solicited.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

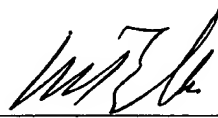
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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